



Appeal Decision

Site visit made on 4 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/E2340/D/22/3308493

Monkholme Lodge, Robinson Lane, Brierfield, Lancashire BB9 5QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Choudrey against the decision of Pendle Borough Council.
 - The application Ref 22/0353/HHO, dated 25 May 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described as: 'erection of first floor and single storey ground floor extensions'.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Pendle Borough Council against Mr S Choudrey. That is subject to a separate decision.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.
5. These exceptions include, at 149. c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above

the size of the original building. Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2006) (the LP) requires proposals, where applicable, to maintain the openness of the Green Belt. This broadly conforms with the general provisions of the Framework in this regard.

6. Neither the Framework nor the LP include a definition of what constitutes a disproportionate addition. As such, the assessment as to whether a proposal would comprise a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. Monkholme Lodge consists of a two storey element, lying closest to the road with substantial single storey additions extending back into the site. These additions to the original building comprise of a large detached garage erected in around 2013 which has since been converted and linked to the house through an extension. There is also a smaller extension approved in 2010 to the side of the two storey section.
8. The appeal proposal would involve the construction of a first floor above the former garage and link sections referred to above. The new roof would extend above the ridge height of the existing two storey part of the dwelling. A single storey workshop extension is also proposed. As such, the proposal would result in a small increase in the footprint of the property, however, owing to the scale of the existing additions, it would considerably increase its volume. The Council estimates that the external volume of the building through the addition of existing and proposed extensions would increase by approximately 253%. This figure has not been disputed by the appellant.
9. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property can be clearly seen alongside the adjacent bridge in views from Robinson Lane. The extent of the rear of the building can be viewed across the shared access running alongside the dwelling in views from the bridge. Furthermore, the building is highly evident in views from the point the public footpath along the Leeds-Liverpool Canal accesses the bridge. Given the proximity to fields, woodland and the canal as well as the separation from neighbouring buildings, the openness of the Green Belt is clearly evident around the appeal site.
11. Whilst I accept that there are other residential properties nearby, some of which are substantial, the proposal would nonetheless significantly increase the volume, height and massing of the existing building. This would result in a harmful loss of openness, which weighs against the proposal. The proposal would conflict with Policy ENV2 of the LP on this basis.

Conclusion

12. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial

weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

13. Given the substantial weight to be given to Green Belt harm combined, relative to the benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.
14. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR